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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,111	03/06/2002	Stewart R. Wyatt	10018461-1	8005

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HEWLETT-PACKARD COMPANY
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EXAMINER

MCCARTHY, CHRISTOPHER S

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/092,111	Applicant(s) WYATT ET AL.	
	Examiner Christopher S. McCarthy	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The preamble claims a network-enabled device. This enablement is not found in the specification. If the examiner has mistakenly overlooked this enablement, the applicant is requested to point it out for the examiner.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 14 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The preamble claims a computer program stored on a computer. A computer program is deemed an algorithm and is non-statutory. A suggested replacement would

be "A computer-readable medium containing computer-readable instructions, which are executable..."

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Schamberger et al. U.S Patent Application Publication US2001/0017806.

As per claim 1, Schamberger teaches a method for verifying data stored in a data storage device, the data storage device storing data at a number of accessible addresses, a portion of the accessible addresses being designated as addresses to be verified (paragraph 0007), the method comprising the steps of: verifying whether or not data stored at one of the addresses to be verified contains an error (paragraph 0008, 0009); and repeating the verifying of data for at least the remaining addresses to be verified (paragraph 0008).

As per claim 2, Schamberger teaches the method of claim 1, further comprising the step of designating the one of the addresses to be verified as a starting address (paragraph 0048).

As per claim 3, Schamberger teaches the method of claim 2, wherein the step of repeating the verifying of data comprises: determining whether or not the previous address verified by said verifying is a last address at the end of the data storage device; and if the previous address is the

last address, resetting the next address to be verified to a first address at the beginning of the data storage device; if the previous address is not the last address, then advancing the next address to be verified to the next address of the data storage device (paragraph 0027; paragraph 0048 – page 4, lines 1-2).

As per claim 4, Schamberger teaches the method of claim 2, further comprising the steps of designating an end address such that the portion of addresses to be verified includes a range of addresses from the starting address to the end address (paragraph 0048).

As per claim 5, Schamberger teaches the method of claim 4, wherein the step of repeating the verifying of data further comprises: determining whether or not the address verified by said verifying is the end address; and if the address is the end address, setting the next address to be verified to the starting address; if the address is not the end address, advancing the next address to be verified to the next address of the data storage device (paragraph 0027, 0048).

As per claim 6, Schamberger teaches the method of claim 5, wherein the step of designating the one of the addresses as the starting address comprises designating the starting address as a first address at the beginning of said data storage device and the step of designating an end address comprises designating the end address as a last address at the end of said data storage device, such that said portion of addresses to be verified includes all of said accessible addresses (paragraph 0048).

As per claim 7, Schamberger teaches the method of claim 6, wherein the step of repeating the verifying of data further comprises: determining whether or not the address verified by the step of said verifying is the end address; and if the address is the end address, setting the next

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address to be verified to the starting address; if the address is not the end address, advancing the next address to be verified to the next address of the data storage device (paragraph 0048, 0027).

As per claim 8, Schamberger teaches the method of claim 1, further comprising repeating the steps of verifying of data and repeating the verifying of data continuously until an error is detected (paragraph 0008, 0009).

As per claim 9, Schamberger teaches the method of claim 8, further comprising a step of initiating an interrupt procedure upon detection of an error to correct the detected error (paragraph 0009).

As per claim 10, Schamberger teaches the method of claim 1, further comprising repeating the steps of verifying of data and repeating the verifying of data continuously until interrupted by an external event (paragraph 0008).

As per claim 11, Schamberger teaches a system for verifying data in a data storage device, the data storage device storing data in a number of accessible address locations, said system comprising: means for designating a range of addresses from said number of accessible address locations as addresses to be verified (paragraph 0007); means for verifying whether or not data stored in a starting address of said addresses to be verified contains an error (paragraph 0008, 0009); means for incrementing the verified address (paragraph 0008, 0009); means for determining whether or not the incremented address is at the end of the range of addresses to be verified (paragraph 0027, 0048 – page 4, lines 1-2); means for changing the address to the next address when said means for determining has determined that the incremented address is not at the end of the range of addresses to be verified (paragraph 0048, 0027); and means for resetting the address to an address at the start of the range of addresses to be verified when said means for

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determining has determined that the address is at the end of the range of addresses to be verified (paragraph 0048, 0027).

As per claim 12, Schamberger teaches the system of claim 11, further comprising means for counting the number of errors detected by said means for verifying (paragraph 0010).

As per claim 13, Schamberger teaches the system of claim 11, further comprising means for storing output results from said means for verifying (paragraph 0010, 0042, wherein, the counter for errors, X, is inherently stored in a means by either hardware or software or both).

As per claim 14, Schamberger teaches a computer program stored on a computer for verifying data on a data storage device, the computer program comprising: logic configured to input a starting address into an address counter (paragraph 0007); logic configured to verify whether or not data stored at the location in said data storage device designated by said address counter contains an error (paragraph 0009, 0008); logic configured to determine whether or not the address location in said address counter designates the last address at the end of said data storage device; logic configured to reset the address counter to a first address at the beginning of said data storage device if the last address has been reached (paragraph 0048, 0027); logic configured to increment the address counter if the last address has not been reached (paragraph 0008).

As per claim 15, Schamberger teaches the computer program of claim 14, wherein the logic configured to verify is configured to repeatedly verify until an error is detected (paragraph 0009, 0008).

As per claim 16, Schamberger teaches the computer program of claim 14, further comprising logic configured to initiate an interrupt upon detection of an error by said logic

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configured to verify, wherein the logic configured to initiate an interrupt comprises logic configured to correct the detected error (paragraph 0009).

As per claim 17, Schamberger teaches the computer program of claim 14, further comprising logic configured to repeat the verifying of data, resetting of the address counter, and incrementing the address counter continuously until interrupted by an external event (paragraph 0008).

As per claim 18, Schamberger teaches a network-enabled device comprising: a processing device; and a memory device connected to the processing device (paragraph 0015), the memory device including verification circuitry that includes: logic configured to perform verification of data stored within address locations of a data storage device (paragraph 0008, 0009), logic configured to access the address locations in sequence to determine whether or not an error exists in the data stored in the accessed address location (paragraph 0007), and logic configured to access the data in a first address location in said data storage device after accessing the data in a last address location (paragraph 0048).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: See attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. McCarthy whose telephone number is (571)272-3651. The examiner can normally be reached on M-F, 9 - 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csm
November 5, 2004


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